

Law Offices of
MILLER & AXLINE
A Professional Corporation

DUANE C. MILLER
MICHAEL AXLINE

TRACEY L. O'REILLY
DANIEL BOONE
JUSTIN MASSEY
BRYAN BARNHART
DAVE E. BLUM
MOLLY MCGINLEY HAN

June 27, 2014

VIA EMAIL AND ECF

Honorable Shira A. Scheindlin
United States District Judge
U.S. District Court for the Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Room 1620
New York, NY 10007

Re: *Commonwealth of Puerto Rico, et al. v. Shell Oil Co., et al.*
1:00-cv-01898, SDNY Index Nos. 14 Civ. 1014 and 07 Civ. 10470
Request to Postpone Hearing Now Set For July 8, 2014

Dear Judge Scheindlin:

Defendants yesterday filed nine pre-motion letters proposing an equivalent number of summary judgment motions, including multiple sub-issues. These are far more letters and issues than the Commonwealth, and perhaps the Court, anticipated when the pre-motion hearing was scheduled last month.

Under the current schedule the Commonwealth must respond to all of the pre-motion letters and issues on Tuesday, just three working days from now. The pre-motion hearing is set for July 8, 2014, shortly after the Court returns from vacation and immediately following the Fourth of July holiday weekend.

In light of the number and complexity of issues raised in the pre-motion letters, the Commonwealth respectfully requests that the hearing, currently scheduled for July 8, 2014, be postponed by at least one week to allow the Commonwealth the time necessary to address the significant number of issues raised by defendants' pre-motion letters. The Commonwealth proposes to file its responses on July 8. This would allow the Court at least one week to review the submissions of the parties prior to the hearing. The Commonwealth has contacted defendants to see if they object to such an extension and defendants do not object (see attached e-mail).

It also appears that, if a brief extension were allowed, the parties might be able to reduce further the number of issues that would require the Court's intervention. In fact, the parties have

Hon. Shira A. Scheindlin


June 27, 2014

Page 2

already begun discussions regarding certain issues that may ultimately not need to be addressed by the Court. As defendants acknowledge, for example, in OCWD the parties were able to narrow the issues that required the Court's intervention by preparing a matrix and stipulation identifying the parties and issues associated with each trial site. While that effort took considerable time, the end result was well worth the effort. Defendants' pre-motion "causation" letter in fact proposes that the parties be given 30 days to attempt a similar matrix and stipulation in the Puerto Rico case, and the Commonwealth endorses that proposal. The extension requested in this letter would provide time for the parties to formulate a more specific proposal in this regard.

With apologies for having to submit this during the Court's vacation.

Respectfully submitted,



Michael Axline
Counsel for the Commonwealth

cc: All Counsel via LNF&S

Kathy Herron

From: Gerson, Lisa <LGerson@mwe.com>
Sent: Friday, June 27, 2014 11:14 AM
To: maxline@toxic torts.org
Cc: Riccardulli, Stephen; Walsh, William (WWalsh@weitzlux.com)
Subject: PR Pre-Motion Letters

Mike,

Defendants do not object to Plaintiffs requesting an additional week for responses to the pre-motion letters and adjournment of the July 8th conference, provided that Defendants receive Plaintiffs' letters the same number of days ahead of the conference as we otherwise would have.

Thank you,

Lisa A. Gerson
Partner

**McDermott
Will & Emery**

McDermott Will & Emery LLP | 340 Madison Avenue | New York, NY 10173-1922
Tel +1 212 547 5769 | Fax +1 646 224 8675

[Biography](#) | [Website](#) | [vCard](#) | [E-mail](#) | [Twitter](#) | [LinkedIn](#) | [Blog](#)

Satara Richards, Assistant to Lisa A. Gerson
Tel +1 212 547 5569

This message is a PRIVILEGED AND CONFIDENTIAL communication. This message and all attachments are a private communication sent by a law firm and may be confidential or protected by privilege. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the information contained in or attached to this message is strictly prohibited. Please notify the sender of the delivery error by replying to this message, and then delete it from your system. Thank you.

Please visit <http://www.mwe.com/> for more information about our Firm.